

## ON THE GALLOWS.

Patrick McCarty is Hanged at Fort Smith, Ark., for the Murder of the Mahoney Brothers.

History of the Murders, Arrest and Trial—The Prisoner Dies Game, Denying His Guilt to the Last.

DIED PROTESTING HIS INNOCENCE. Special to the Gazette.

FORT SMITH, ARK., April 8.—To-day at exactly eight minutes past 2 o'clock Patrick McCarty, who murdered the Mahoney brothers in the Indian country about a year ago, was hanged in the United States Court yard on the plat upon which fifty-three murderers have expiated their crimes. Pat retired early last night, sleeping soundly until 3 o'clock, when he awoke and walked about his cell for a short time and then returned to his slumbers. Yesterday he was in excellent spirits. He talked freely with all who called on him, was cheerful and seemingly happy and by neither look nor word indicated that he had any fears of meeting his fate. Up to the time of departure from the jail he was cool and collected. At a few minutes before 2 o'clock Rev. Smythe, his spiritual adviser, arrived at the jail and had a few moments conversation with the condemned man. Pat was then told that the time had arrived for his execution, and the death warrant was then read to him. He was then taken to the gallows, marching with steady step and ascending the gallows steps with as much coolness as though it were an every-day affair with him. He showed no signs of emotion whatever. His face was bleached from long confinement in the jail and his lips and nose seemed a little more parched than usual, but beyond this there was nothing to betray his feelings. After reaching the scaffold McCarty knelt for a few moments in prayer with Father Smythe and then took his stand upon the death-trap, holding in his hand a crucifix which he occasionally gazed with looks of deep feeling. Father Smythe then made a short address to the crowd inside of the gallows inclosure, about seventy-five in number, stating that owing to points that had reached him within the past few days he would say that there was nothing in the laws of the Catholic church that prohibited a member of it from speaking the truth under all circumstances; that a Catholic was always at liberty to unburden his mind of any load that might lay on it from source of crime or under circumstances of the nature of those in which the condemned man was placed. McCarty then made a short statement to the assembly, saying he was entirely innocent of the crime for which he had been convicted; that he was utterly innocent of the circumstances connected with the murder of the Mahoney boys, and knew at present no more of the facts of their killing than he did when charged with the murder; that he made this statement standing on the brink of eternity, with the crucifix in his hand. He, at the request of Father Smythe, repeated this statement, doing so in a clear, distinct voice, and showing no signs of agitation beyond a very slight and only momentary tremor of his hand that grasped the crucifix. He said he was unaware of what had led to his conviction, it might have been prejudice or malice, but if either, he freely forgave everybody connected with the matter. He spoke feelingly of soon meeting his Maker in a place where there would be no prosecuting attorney and no jurors, and said he felt grateful to Marshal Carroll and all officers of the jail for the consideration and kindness they had shown him. At the conclusion of this statement McCarty kissed the crucifix and returned it to the priest, who stood near him. He then shook hands with most of those standing on the platform and bade them good-bye. His feet and hands were pinioned, the black cap was placed over his head while he repeated the last words, McCarty requesting the executioner to draw it tight. Then the rope was adjusted, and at exactly 2:07 p. m. the deadly trail fell, the body of the wretched criminal going down like a shot, and stopping with that dull, horrible sound that always attends such events. His neck was broken and death ensued almost instantly, although life was not pronounced extinct by the physicians until 2:38, when the body was lowered, placed in a neat coffin and taken to the Catholic cemetery for interment. This ends the career of Pat McCarty, and the case that has ever appeared before the bar at this city. While McCarty, up to the time of his execution, denied his guilt and protested his innocence publicly, it is said that he told the story of the murder to one of his confidential jail comrades, giving the particulars. He and Stutzel planned the murder while at Coffeyville and that day drove out seven miles in the direction of Fort Scott, camping on Pumpkin creek. That night they suggested to the Mahoneys that as it was all prairie country to Fort Scott, and wood was very scarce, they had best cook enough grub to do them all the way, telling the boys to go to bed and they would do the cooking. The Mahoneys retired, and when Pat and his companion were assured that they were asleep, Pat took a thirty-eight caliber pistol and Stutzel a shotgun, and creeping up to the wagon Pat shot one of the boys in the eye, killing him, but Stutzel's gun snapped and the report of Pat's pistol aroused the unhurt Mahoney, who raised up in his bed, when Stutzel killed him with an axe. They covered the bodies of the boys in the wagon and hauled them thirty miles to the place where they were found. Here they burned a feather bed that the Mahoneys were sleeping on when killed and everything else on the wagon that was bloody. Stutzel's clothing was bloody and he took it off and burned it also, getting a suit of clothing from the Mahoneys' trunk and putting it on. This version of the horrible deed is in keeping with some of the evidence and also with the yarn told by Stutzel to the party with whom he left the wagon of the Mahoneys. Mrs. Mahoney, the mother of the boys, in her testimony at the trial, stated that her boys had a bed which she had prepared for them to take along on their trip.

HISTORY OF THE CRIME.  
Patrick McCarty was thirty-two years old; was born at Queenstown, County Cork, Ireland, but moved at an early age to London, England, where his mother still resides. He came to America in 1875, and in 1885 was married to Miss Malinda Orr, at or near Dixon, Mo. His case has attracted much attention, owing to the enormity of the crime of which he was convicted, and the unlooked-for interference of the President three months ago. McCarty was sentenced to be hung on the 14th of January

last, with four other murderers, but was granted a respite of ninety days. After staying the execution the President requested the court to send to Washington the evidence and a full statement of the case, in reply to which Judge Isaac C. Parker addressed the following letter to the President relative to McCarty's crime and the means resorted to by the parties who got up the application to obtain executive clemency, which is an eminently correct account of the crime, trial and conviction:

FORT SMITH, ARK., Feb. 5, 1887.  
To the President:  
I write you in regard to the application for respite of the sentence of Pat McCarty, passed by the United States Court for the Western district of Arkansas upon Patrick McCarty, October 30, 1886. This application was presented to you, and upon it you granted him a respite until April 8, 1887. In this petition it is stated among other things "Counsel being appointed upon the day of trial, had no time to prepare the case or procure witnesses." This statement, to those who made the application, was knowingly false and evidently made by them for the purpose of creating the impression in your mind that McCarty did not have a fair trial. The records of the court show that on May 14, 1886, an attorney was appointed to defend McCarty, and he was an able attorney of the court. That on May 14, 1886, McCarty was arraigned; that on May 20, 1886, defendant filed application for witnesses prepared by his attorney and sworn to by him; that on May 24, 1886, application for witnesses was allowed by the court. The case was then continued by the court until September 21, 1886, when the trial began, and on the 23d of the same month McCarty was convicted, by an intelligent and honest jury of two murders, the most brutal and bloody in the annals of crime. The application for witnesses contained the names of three persons, a man by the name of Childers and two persons described in the application as "one Dunn." Childers was obtained and gave his evidence at the trial. The "one Dunn," after diligent search by the marshals were never found, and were unquestionably men of straw. Childers, instead of swearing to what McCarty said he would in his application, testified to an opposite state of facts. McCarty and another man who has not yet been arrested, committed a double murder. The facts as proved by reliable witnesses are: The murdered men were two worthy young men by the name of Mahoney—industrious, well-to-do, prosperous men, who, with their teams, had been working on the Atlantic and Pacific Railroad in the Indian country. When the work was about done there, they after they had earned perhaps \$200, and had the same in money, started from a place called Red Fork, in the Indian Territory, to Fort Scott, Kan. They had two fine mules, two mares, a good wagon and quite a quantity of other loose property, such as bedding, wearing apparel, a good camping outfit and the money they had earned. When they started from Red Fork, unfortunately for them, out of pure charity they permitted to travel, ride and camp with them, two vagabonds and tramps, Patrick McCarty and Joe Stutzel. They never reached Fort Scott, but their dead and mutilated bodies were afterwards found by a citizen of the Indian Territory, partially covered with dirt in a drain from a coal bank, at a point in the Indian country between Coffeyville, Kan., and Vinita in the Indian Territory. The neighbors gathered in, and it was discovered from the marks of violence on the men that they had been murdered, but who they were was not known. The finding of the bodies was noised about and the poor old mother of the boys, not having heard from her sons for an unusual time, became fearful that the bodies might be the bodies of her sons. She came to Vinita and procured a gentleman to go with her to the place where the people had buried the bodies. The neighbors again gathered, the graves were opened, and there she beheld the mangled bodies of her dead sons—two young men of good character, her only stay, support and comfort in her old age, who had been murdered by assassins for their money and property. At the time the people first gathered where the bodies were found they discovered the remains of what had been a fire—bed clothing partially burned, boots and shoes burned, etc., and the probable night of the murder a man lying in the neighborhood smelled burning clothes and leather. The wind at the time was blowing from the direction of the bodies of the murdered men toward the house. On the next day after this night Patrick McCarty and Joe Stutzel drove with the two mules, two mares and wagon of the Mahoneys. McCarty represented them as belonging to himself and Stutzel, saying they had been using them in working on the railroad. McCarty sold the mules for \$125, not half their value, and threw in an extra set of harness they had gotten with their plunder, divided the money with Stutzel, and the latter went away with the mares and wagon of the Mahoneys. In that wagon was the trunk of the Mahoneys with their clothing in it. McCarty was seen by a woman with the wagon, mules and mares between where the bodies were found and Vinita, McCarty, after disposing of the mules, took the train and went to Springfield, Mo., where he spent money freely and was met by persons who knew him at Red Fork, and who knew he did not have money while there, and who also knew he had left there with the Mahoneys. These persons accused him of getting away with the Mahoneys' money, and that he was a thief. In that wagon was bloody and he took it off and burned it also, getting a suit of clothing from the Mahoneys' trunk and putting it on. This version of the horrible deed is in keeping with some of the evidence and also with the yarn told by Stutzel to the party with whom he left the wagon of the Mahoneys. Mrs. Mahoney, the mother of the boys, in her testimony at the trial, stated that her boys had a bed which she had prepared for them to take along on their trip.

The murder of the Mahoneys occurred on or about February 17, 1886, but their bodies were not discovered until some time in March. McCarty was arrested about the first of April, 1886, and has been in jail here since that time. The mother of the murdered boys was here at the trial, and in giving her testimony as to the identity of her sons was completely overcome with grief. She stated that there was a mortgage on their home and her boys went to the Indian country in

the bitter cold of winter for the purpose of earning money to pay off the debt, and she had not heard from them with a father and mother, and she recognized their mutilated and decomposed bodies by various little things that no one but a mother would have noticed. The wristlets she had knitted with her own hands, the socks, warm and comfortable, provided the same way, the underclothing, etc. The mules she recovered, but the other team has never been found, though the wagon and harness have. Stutzel is still at large with a reward of \$500 over him, and will likely be brought to justice yet. McCarty has denied the killing all along, advancing the dimly claim that he left Stutzel and the Mahoneys at Coffeyville, Kan., and went to Vinita by rail, when he met Stutzel on the morning they sold the mules; that Stutzel said he had won the team and wagon from the Mahoneys, and believing such to be the case, he merely assisted him to dispose of the mules. The facts are that Pat got \$105 of the proceeds of the mule sale, went to Pierce City and got on a spree, and after dressing himself up in a new suit of clothing purchased with his ill-gotten gains, proceeded to Springfield and from there went to Dixon, where his wife was, and where he was soon afterwards arrested. His wife has never come near him since his incarceration here. On Monday last when the message was read to him that the President declined to further interfere in his case he turned white as a sheet but said not a word until he had fully recovered himself, and then had little to say. During his confinement here he has at all times maintained a bold front, and was usually to be found in a jolly mood, cracking jokes, singing songs and playing cards with his fellow prisoners.

The watch found on his person was one that the mother of the murdered boys had given their father over eighteen years previous for a Christmas present, and she had given it to one of the boys after the death of their father.

The capture, trial and execution of this red-handed assassin is only another verification of the old adage that "murder will out," and his demise is in accordance with the laws of God as well as man, for the Bible says that "he who sheddeth man's blood, by man shall his blood be shed." McCarty richly deserved his fate. McCarty's death leaves twenty-four prisoners in the United States jail charged with the crime of murder in the Indian Territory.

## POWDERLY PHILIPPIC.

His Speech to the Gathering of Knights at Harrisburg.

HARRISBURG, PA., April 8.—At a meeting last night of the delegates representing the Knights of Labor of Pennsylvania who were assembled for the purpose of considering the various labor bills pending before the Legislature, Grand Master Workman Powderly spoke as follows: "I read of the result of the elections in Chicago the other day and I was glad to see and hear the workmen in that great city were good enough to throw the back into the face of those who passed as their friends and representatives. No sooner did the anarchist ticket go before the people than its supporters said: 'We will carry the ticket through under the flag on whose face not one star glitters, nor one stripe is to be found, and the teachings of such men as Powderly and Griffith will have no weight with us.' But they found on election day that anarchy was snowed under as it was never snowed under before, and I say amen to that every time. (Great applause.) I did not know but what in decorating this hall you might forget to place an American flag on the wall. I brought this with me. (Here Mr. Powderly exhibited a flag, amid tremendous applause,) and I brought it here, so that if we were charged that we were not Americans that there was (I don't care where I was born, I don't care where the rest of you were born), that there was one who swore by that flag and no other. (Here Mr. Powderly presented the flag to M. A. Burke of Carbondale, an old friend.) Let them but what in decorating this hall you might forget to place an American flag on the wall. I brought this with me. (Here Mr. Powderly exhibited a flag, amid tremendous applause,) and I brought it here, so that if we were charged that we were not Americans that there was (I don't care where I was born, I don't care where the rest of you were born), that there was one who swore by that flag and no other. (Here Mr. Powderly presented the flag to M. A. Burke of Carbondale, an old friend.) 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